

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

ATTORNEY GENERAL
KARL A. RACINE



October 12, 2016

The Honorable Thomas Wheeler
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20054

Re: Ex Parte Letter - Docket No. 16-106, Protecting the Privacy of Customers of
Broadband and Other Telecommunications Services

Dear Chairman Wheeler:

I write to express my appreciation for the Federal Communications Commission's ("FCC") increased focus on privacy protections for consumers of broadband Internet services, as well as to raise concerns that the FCC not preempt the authority of State Attorneys General to protect the privacy of our consumers, and respect the well-developed privacy jurisprudence developed by the Federal Trade Commission ("FTC").

As you are aware, privacy has become an increasing concern of consumers residing in the District of Columbia and elsewhere. As the Attorney General for the District of Columbia, I have seen first-hand the harm that data breaches and identity theft cause consumers. Thousands of data breaches that have occurred nationwide and locally over the past five years have compromised hundreds of millions of consumers' records. Identity theft has also become one of the largest categories of consumer complaints received by the FTC. To ensure that businesses act reasonably when they collect, maintain and use consumers' data, my office has regularly joined investigations with other State Attorneys General to analyze the causes of data breaches and to take action against businesses that have failed to adequately protect the sensitive data entrusted to them by consumers. Currently, my office is leading nationwide investigations of data breaches that involved the release of consumers' Social Security numbers, credit records, and employment histories.

I applaud the FCC's emphasis on transparency, consumer choice, and data security when consumers are asked to share their personal data with telecommunications services providers. Our constituents, however, want more protection of their personal information, not less. For this reason limiting the enforcement and regulatory authority of State Attorneys General would not promote the safety and privacy of consumers. To ensure that any privacy rules for

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telecommunications carriers are effective and consumers are afforded the best protection possible, it is crucial that State Attorneys General maintain their enforcement authority under their states' laws, and that any preemption provisions, if enacted, be narrowly tailored.

Finally, I urge the FCC to draft rules that are consistent with significant privacy framework and standards that have already been put into place through enforcement efforts and policy statements by the FTC. The FTC has developed a clear and authoritative line of precedents that consumers and businesses rely upon. I am concerned that divergent standards would cause confusion and unnecessary disruption in the marketplace.

I thank you for considering these comments, as the FCC continues to examine these important issues.

Sincerely,

A handwritten signature in black ink, appearing to be 'Karl A. Racine', written in a cursive style.

Karl A. Racine
Attorney General for the District of Columbia